

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

<p>CHARLES M. BUTLER, III, Plaintiff, on behalf of the Class v. UNIFIED LIFE INSURANCE COMPANY, Defendant.</p>	<p>Cause No. CV 17-50-SPW-TJC</p> <p>ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT</p>
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Charles M. Butler, III, as Class Representative, (“Plaintiff”) and Unified Life Insurance Company (“Defendant”) (each a “Party” and collectively the “Parties”) have moved this Court for the entry of an Order granting preliminary approval of the Settlement Agreement.

In addressing this motion, the Court has fully considered the record of these proceedings, the Settlement Agreement and all exhibits thereto, the representations, arguments and recommendation of counsel for the Parties and the requirements of law. It appears to the Court upon preliminary examination that the proposed Settlement is fair, reasonable and adequate, and that a hearing should be held after notice to the Settlement Class of the proposed Settlement to finally determine whether the proposed settlement is fair, reasonable and adequate and whether a Final Approval Order and Judgment should be entered in this Action.

Therefore, this Court **FINDS** and **ORDERS** as follows:

1. The capitalized terms used in this Preliminary Approval Order shall have the same meaning as defined in the Settlement Agreement except as may otherwise be ordered.

2. The Court preliminarily approves the Settlement Agreement as fair, reasonable and adequate to the Class Members, as falling within the range of possible final approval, and as meriting notice of the Settlement to Class Members for their consideration and a hearing on the approval of the Settlement.

3. The Settlement Agreement was entered into by experienced counsel and only after extensive arm's-length negotiations involving mediation before Magistrate John Johnston, an experienced mediator who mediates numerous cases in this District.

4. After reviewing the Settlement Agreement and considering all circumstances, the Court finds a second opportunity to opt out is not warranted under the circumstances.

5. The court approves KCC to serve as the Settlement Administrator in this Action.

6. A Final Approval Hearing shall be held before this Court at **9:30 a.m. on November 18, 2021**, to address: (a) whether the proposed Settlement should be finally approved as fair, reasonable and adequate and whether the Final Approval Order and Judgment should be entered; and (b) whether Class Counsel's Attorneys' Fees and Litigation Expenses application and the Enhancement Payment for the Class Representative should be approved. Papers in support of final approval of the Settlement,

the Enhancement Payment to the Class Representative, and Class Counsel's Attorneys' Fees and Litigation Expenses application shall be filed with the Court according to the schedule set forth in Paragraph 12 below. The Final Approval Hearing may be postponed, adjourned, or continued by order of the Court without further notice to the Class. After the Final Approval Hearing, the Court may enter a Final Approval Order and Judgment in accordance with the Settlement Agreement that will adjudicate the rights of all Class Members with respect to the Released Claims being settled.

7. The Court enjoins and stays the underlying Litigation pending the Court's final ruling approving or denying approval of the settlement.

8. The Court approves, as to form and content, the use of the individual and publication Class Settlement Notices substantially similar to the forms attached as Exhibits C and D to the Parties' brief, respectively. Written notice will be provided to Class Members by first-class U.S. mail using Defendant's records of Policyholders who had submitted claims for themselves or another insured under their policy. The Settlement Administrator may utilize updated addresses it can identify. All notices shall be mailed within 30 days of the date of entry of this Preliminary Approval Order. No later than five business days prior to the Final Approval Hearing, the Settlement Administrator shall file with the Court a declaration attesting to compliance with this Order.

9. Defendant shall pay the cost associated with the individual Class Settlement Notice. Costs associated with the publication notice shall be paid from the Settlement Fund, as provided for in the Settlement Agreement.

10. The Class Settlement Notice, as directed in this Order, constitutes the best notice practicable under the circumstances of this case and is reasonably calculated to apprise the Class Members of their right to object to the Settlement or Class Counsel's Attorneys' Fees and Litigation Expenses. Such Class Member objections must comply with the requirements of the Settlement Agreement, as instructed by the Class Settlement Notice. Failure to comply with these requirements will waive and forfeit the right to object to the Settlement, appear at the fairness hearing and/or appeal from the Court's disposition of the Settlement.

11. The Court further finds that the Class Notice Program is reasonable, that it constitutes due, adequate and sufficient notice to all persons entitled to receive such notice and that it meets the requirements of due process and of Federal Rule of Civil Procedure 23. Likewise, Class Counsel providing their forthcoming motion and brief for Class Counsel's Attorneys' Fees and Litigation Expenses through the website, www.UnifiedClassAction.com, is reasonable and constitutes due, adequate, and sufficient notice and service. The Court hereby further prohibits any additional generalized notices or communications, whether by written correspondence, advertisements, Internet postings, or other media, to Class Members by the Parties about the Settlement or its terms other than as specifically authorized by this Order except that

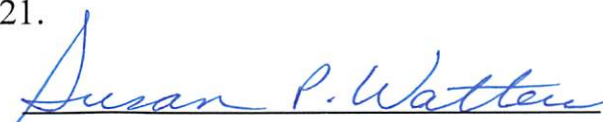
nothing herein shall impact Class Counsels' ability to discharge their attorney-client obligations to Class Members.

12. Further settlement proceedings in this matter shall proceed according to the following schedule:

EVENT	DEADLINE
Notices mailed to Policyholders, on behalf of Class Members	No later than 30 days after preliminary approval
Plaintiff to file motion for attorney's fees, costs, and Class Representative fee	No later than 30 days after Settlement Notices are mailed
Deadline for Class Members to object to Settlement, or Class Counsel's petition for attorney's fees and costs	No later than 60 days after Settlement Notices are mailed
Parties to file motion and briefs for final settlement approval	21 days before the fairness hearing
Deadline for Class Members to file notice to appear at fairness hearing	14 days before the fairness hearing
Fairness hearing	November 18, 2021

12. The Court may, for good cause, extend all of the deadlines set forth in this Order without further notice to the Class Members.

DATED this 30th day of July 2021.


 SUSAN WATTERS
 U.S. District Court Judge